Attorney Docket No.: 53470.003059

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

In re Application Of: ***Ali ALAVI et al.***

Application Number: ***10/677,245*** Group Art Unit: ***2165***

Filed: ***October 03, 2003*** Examiner: ***Jacques Veillard***

Title: ***METHOD AND SYSTEM FOR BUSINESS INTELLIGENCE OVER NETWORK USING XML***

Owner Of Record: ***Microstrategy Incorporated***

The owner, ***Microstrategy Incorporated*** of ***100*** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior U.S. Patent No.:

6,704,723 issued on: ***March 09, 2004***

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. ☒ Owner/applicant is ☐ Small entity ☒ Large entity

4. The terminal disclaimer fee under 37 C.F.R. 1.20(d) is ***$130.00*** and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. ***50-0206***. A duplicate of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

☐ unchanged. ☐ changed (if changed, an explanation should be supplied).

☐ Certification under 37 C.F.R. 3.73(b) is attached as required if terminal disclaimer is signed by the assignee.

7-12-06
Date

Signature

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